

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BRECKENRIDGE MATERIAL COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Cause No.: 4:07-CV-00741 DDN
KNISH CORPORATION, et al.,	)	
	)	
Defendants.	)	
_____	)	
	)	
NORTH AMERICAN SPECIALTY INS. CO.	)	
	)	
v.	)	
	)	
STEVEN A. KNISH	)	
	)	
PATRICIA A. KNISH	)	
	)	
RANDY D. KNISH	)	
	)	
Third Party Defendants.	)	

**MEMORANDUM FOR CLERK**

Comes now Defendant and Third-Party Plaintiff, North American Specialty Insurance Company, and having agreed extra-judicially at the special instance and request of the individuals named Third-Party Defendants, Steven A. Knish, Patricia A. Knish and Randy D. Knish (not yet served nor appearing herein), to withdraw its Third-Party Complaint against them, now withdraws such Third-Party Complaint without prejudice including, it being part of the extra-judicial agreement made, that such withdrawal shall not be raised or be deemed to be a dismissal under the “double dismissal” rule stated in F.R. 41 (a)(1).

Further, consistent with the foregoing, and at the request of Defendant, Knish Corporation, Defendant, North American Specialty Insurance Company, amends its Crossclaim

by interlineation by deleting therefrom all references to any of the individuals named as Third Party Defendants and by inserting in lieu thereof "and Nations" in paragraph 12 (now paragraph 9 of the proposed Amended CrossClaim).

North American Specialty Insurance Company's Amended Crossclaim embodying the foregoing changes is herewith tendered to the Court for filing upon leave being granted.

Riezman Berger, P.C.

By: /s/Michael P. Wolf  
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Reinert & Rourke, P.C.

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Leave Granted.  
So Ordered this 26<sup>th</sup> day  
of June 2007.

David D. Noce

David D. Noce  
United States Magistrate Judge